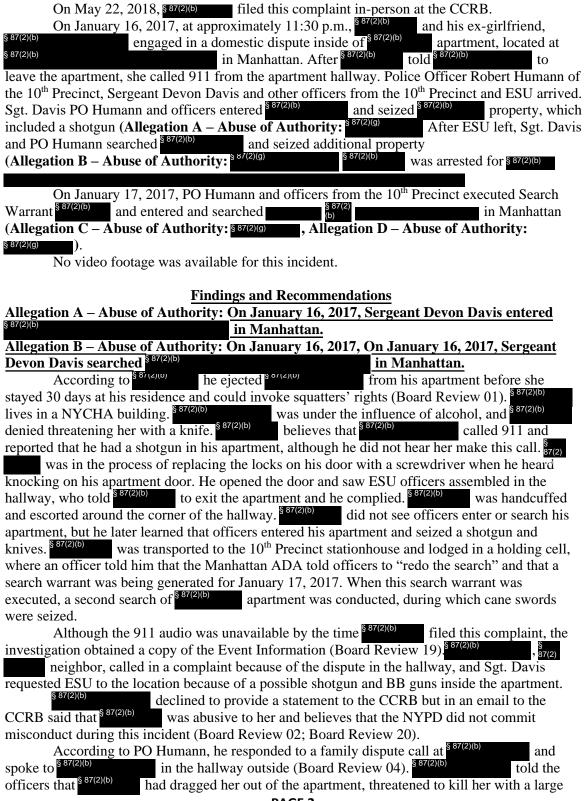
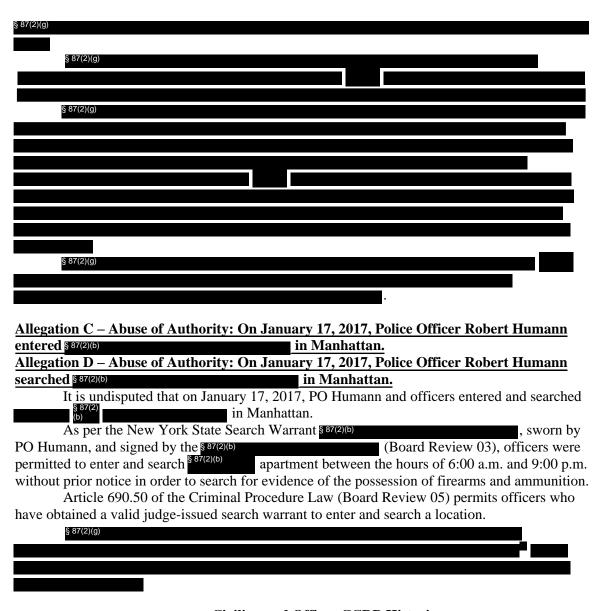
CCRB INVESTIGATIVE RECOMMENDATION

| Investigator: | | Team: | CCRB Case #: | | Force | ☐ Discourt. | U.S. |
|-----------------------------|--|--|----------------------------------|-----------|------------|----------------|------------|
| Greg Finch | | Squad #9 | 201804102 | | Abuse | O.L. | ☐ Injury |
| | | • | | | | | _ |
| ` ' | | Location of Incident: | | F | Precinct: | 18 Mo. SOL | EO SOL |
| Monday, 01/16/2017 11:30 PM | | § 87(2)(b) | | | 10 | 7/16/2018 | 7/16/2018 |
| Date/Time CV Reported | | CV Reported At: | How CV Reported: | | Date/Time | Received at CC | RB |
| Tue, 05/22/2018 3:39 PM | | CCRB In-person Tue, 05/22/2018 3:39 PM | | | | | |
| Complainant/Victim | Type | Home Addre | ess | | | | |
| | | | | | | | |
| Witness(es) | | Home Addre | ess | | | | |
| | | | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | | | |
| 1. POM Robert Humann | 10077 | 956749 | 010 PCT | | | | |
| 2. SGT Devon Davis | 00603 | 948012 | 010 PCT | | | | |
| Witness Officer(s) | Shield N | o Tax No | Cmd Name | | | | |
| 1. SGT Thomas Memanus | 03667 | 948171 | 010 PCT | | | | |
| 2. POF Allyssa Hasemann | 17079 | 957664 | 010 PCT | | | | |
| 3. POM Patrick Collins | 13268 | 963923 | 010 PCT | | | | |
| 4. POM Kevin Martinez | 27696 | 945958 | 010 PCT | | | | |
| 5. POM Joseph Zinna | 08091 | 953607 | 010 PCT | | | | |
| 6. POM Frederick Tinao | 05284 | 947542 | 010 PCT | | | | |
| 7. DTS Conor Farrell | 4069 | 936572 | ESS 01 | | | | |
| 8. DTS Robert Mcgee | 01498 | 933983 | ESS 01 | | | | |
| Officer(s) | Allegatio |)n | | | Inve | stigator Recor | nmendation |
| A.SGT Devon Davis | Abuse: C § 87(2)(b) | On January 16, 2017, Ser | rgeant Devon Davis in Manhatt | | ered | | |
| B.SGT Devon Davis | Abuse: searched Manhatta | On January 16, 2017 \$87(2)(b) nn. | 7, Sergeant Devon | D | avis in | | |
| C.POM Robert Humann | Abuse: C entered [§] Manhatta | | lice Officer Robert I | łum | ann | | |
| D.POM Robert Humann | Abuse: C searched Manhatta | | lice Officer Robert F | | ann | | |

Case Summary



| knife and that shotgun in the apartment." After officers knocked on the |
|--|
| apartment door to no response, PO Humann called for his supervisor and ESU to respond to the |
| location, and waited with §87(2)(b) in the hallway. Thirty minutes later, Sgt. Davis and |
| ESU arrived. When ESU officers arrived, \$87(2)(b) provided verbal consent to Sgt. \$87(2)(b) |
| to enter the apartment and produced a state ID that listed the apartment as her address (Board |
| Review 18). PO Humann did not hear this exchange, but Sgt. Davis communicated it to him. ESU |
| officers secured the same door and told to exit the apartment. |
| opened the apartment door independently and walked into the hallway with his hands up. An ESU |
| officer handcuffed PO Humann and ESU officers entered and did a |
| protective sweep for persons inside Rooms searched included 887(2)(0) |
| bedroom, hallway, pantry and kitchen. Inside the bedroom, PO Humann saw a knife stuck |
| between a dresser and a wall. Inside the bedroom, there was an opened hallway closet with a |
| shotgun, two air pistols inside an open dresser drawer and ACS badge in plainview on the closet |
| floor. § 87(2)(b) confirmed that the recovered knife was the one that § 87(2)(b) threatened |
| them with. The ADA assigned to \$87(2)(b) arrest requested a search warrant for the apartment |
| for PO Humann and officers to do a deeper search of the apartment for weapons. During the |
| execution of the January 17, 2017 search warrant, PO Humann and other officers recovered |
| ammunition and large knives in drawers, a samurai sword on the wall and multiple cane swords |
| in an umbrella stand from \$87(2)(b) apartment. |
| Sgt. Davis' § 87(2)(9) said that \$7(2) |
| |
| told him that she had been living in the apartment for a few months, produced both New York State ID and mail in the apartment with her name and the address listed (Board |
| |
| |
| had a shotgun inside the apartment, but did not specify where the shotgun was. Sgt. Davis did not |
| recall if he or any officer asked \$87(2)(b) who was in the apartment or if additional |
| persons were inside the apartment. Sgt. Davis was the supervisor on scene, and supervised the |
| entry, search, and seizure of weapons over the course of the January 16, 2017 incident. |
| § 87(2)(g) |
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| K 97/2)/h) |
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| 1' |
| According to People v. McBride, 14 N.Y. 3d 440 (2010), (Board Review 08) an officer |
| may enter a private residence without a warrant or consent in the presence of exigent |
| circumstances, which is determined by the following factors: (1) the gravity or violent nature of |
| the offense with which the suspect is to be charged; (2) whether the suspect is reasonably |
| believed to be armed; (3) a clear showing of probable causeto believe that the suspect |
| committed the crime; (4) strong reason to believe that the suspect is in the premises being |
| entered; (5) likelihood that the suspect will escape if not swiftly apprehended; (6) and the |
| peaceful circumstances of the entry. |
| § 87(2)(g) |
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party.
- PO Humann has been a member-of-service for 5 years and this is the second CCRB complaint to which he has been a subject.
 - In case #201709632, the Board substantiated a taser allegation and recommended Command Discipline A. CTS does not list the NYPD disposition.
- Sgt. Davis has been a member-of-service for 10 years and has been a subject of four CCRB complaints with four allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

• §87(2)(b) declined mediation.

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| with the | ecember 26, 2018, there has NYC Comptroller's office (\$15(1)(9)&(4)) [\$ \$7(2)(0)] | as been no Notice of Claim filed regard e (Board Review 06). | ding this incident |
|-----------------|--|---|--------------------|
| Squad No.: _ | | | |
| Investigator: | Signature | Print Title & Name | Date |
| Squad Leader: _ | Signature | Print Title & Name | Date |
| Reviewer: _ | Signature | Print Title & Name | Date |